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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/691,666 | 10/24/2003 | Jean -Francois Garin | 71247-0013 | 6351 |

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EXAMINER

UNDERWOOD, DONALD W

ART UNIT PAPER NUMBER

3652

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/691,666

Applicant(s)

GARIN ET AL.

Examiner

Donald Underwood

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/24/03 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 102403.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Detailed Action

1. The drawing is objected to under 37 CFR 1.83(a) as failing to show and label return heads (claim 1) and a curtain and drum (claim 14). Correction is required. The introduction of new matter should be guarded against.

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 14 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

It is unclear how the curtain and drum are constructed and related to the other elements. Clarification is required.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, "Machine" in line should be --A machine--; "further" in line 4 should be deleted since no structure for "each half-carriage" is cited heretofore in the

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claim; --for-- should be inserted after "device" in line 6, since the belt is not positively claimed yet; a comma should be inserted after "(14)" in line 19; the phrase "and the return head on the inputside" in line 20 should be deleted since the passage compartment for the end of the receptacle output conveyor does not cooperate with the return head on the input side (See the specification, page 5, lines 31-33); the phrase "the linear guide system further comprising a mobile carriage supported by linear guide systems and composed of" in lines 22-24 should be deleted and a phrase similar to --comprising a mobile carriage-- should be inserted after "half-carriage", second occurrence, in line 25 since the linear guide systems supports the half-carriages; a phrase similar to --connected between the half-carriages and-- should be inserted after system in line 27 and --and-- inserted after "half-carriage" in line 28 in order to positively correlate the elements.

Regarding claim 2, "the", line 2, should be --a--.

Regarding claim 3, "the second end of said rigid bridge" should be given a clear antecedent basis. Note no first end is claimed.

Regarding claim 4, it appears this claim should depend from claim 3 instead of claim 4. Note "each bearing plate" in line 1 of claim 4. Also "a return device" in line 2 should be --one of said return devices--; "and" in line 3 should be deleted and "slides" in line 4 should be, correlated with "a guide slide" in line 3.

Regarding claim 5, "a rigid bridge" in line 2 should be correlated with "a rigid bridge" in claim 1.

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Regarding claims 6 and 7, it is unclear what structural arrangement is intended by "delimiting" and "delimit" in these claims. Clarification is required.

Regarding claim 9, this claim sets forth a desired result but no structure to provide the result and is thus incomplete.

Regarding claim 11, it appears this claim should depend from claim 2. Note "a geared motor" in claim 2.

Regarding claim 13, it appears "plane" in line 2 should be --plate--. See line 4.

Regarding claim 15, "the supporting frame" and "the transverse sides" lacks a clear antecedent basis. Correction is required.

Regarding claim 16, "any of claims" in line 1 should be changed to --claim-- and "a frame" in line 3 should be clearly separated from the upper frame and the lower frame. This could be done by changing "a frame" to --an additional frame--.

Regarding claim 17, "the transverse slides" lacks a clear antecedent basis. Correction is required.

Regarding claim 18, "the facade" lacks a clear antecedent basis and it is unclear what structural arrangement is intended by "delimit". Clarification is required.

Regarding claim 20, "the facade" in lines 5 and 7 lacks a clear antecedent basis and "adapted" in line 6 fails to provide structure to provide the result that follows rendering the claim incomplete.

Regarding claim 21, "the reception structure displacement means" lacks a clear antecedent basis". Also "movement guide means" in claim 21 should be correlated with "displacement guide means".

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Regarding claims 22-27, these claims are remiss with desired results not supported by structure and comprise structure which lacks clear antecedent and is not positively correlated with other claimed elements to define an operative device.

Correction is required.

6. Ritter et al. And Cooper, Jr., et al. comprise machines similar to applicant's machine.

7. Any inquiry concerning this communication should be directed to D. Underwood at telephone number 571-272-6933.

Underwood/vs
June 29, 2005

Donald W. Underwood 07/11/05
DONALD W. UNDERWOOD
PRIMARY EXAMINER